

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JENNIFER ECKHART,

Plaintiff,

v.

FOX NEWS NETWORK, LLC, and ED HENRY,
in his individual and professional capacities,

Defendants.

Case No. 20-CV-5593 (RA)

**DEFENDANT ED HENRY'S
ANSWER TO PLAINTIFF'S FOURTH
AMENDED COMPLAINT**

Defendant Ed Henry, by his undersigned attorneys, Morvillo Abramowitz Grand Iason & Anello, P.C., hereby answers the allegations in the Fourth Amended Complaint of Plaintiff Jennifer Eckhart as follows:

PRELIMINARY STATEMENT¹

1. Denies, except lacks knowledge or information sufficient to admit or deny the allegations concerning Fox News's conduct or motivations and therefore denies those allegations as well.

2. Denies.

3. As to the first sentence, admits that Mr. Henry was suspended for a period in 2016 and otherwise. As to the second sentence, lacks knowledge or information sufficient to admit or deny what Liz Claman told Ms. Eckhart and therefore denies that as well.

¹ The repetition herein of the headings and subheadings contained in the Fourth Amended Complaint is not an adoption of these headings, nor an admission of their truth. Rather, Mr. Henry includes these headings and subheadings in this Answer purely for ease of reference.

4. Denies, except lacks knowledge or information sufficient to admit or deny what has been “reported” and therefore denies that allegation as well.

5. Denies, except lacks knowledge or information sufficient to admit or deny what media reports have said and what others have said about Mr. Henry to investigators and therefore denies that allegation as well.

6. Denies, except lacks knowledge or information sufficient to admit or deny the existence or contents of any complaint allegedly received by Fox News and therefore denies that allegation as well.

7. Denies, except admits that Mr. Henry was one of Fox News’ highest-rated anchors and lacks knowledge or information sufficient to admit or deny Fox News’s motivations for its actions and what has been “reported” and therefore denies those allegations as well.

8. Denies, except to admit that he was once a co-host of “America’s Newsroom.”

9. Denies.

10. Denies.

11. Denies.

12. Denies.

13. Denies, except lacks knowledge or information sufficient to admit or deny Fox News’s motivations for its actions and therefore denies that as well.

14. Denies, except lacks knowledge or information sufficient to admit or deny what Ms. Eckhart “looks forward to” and therefore denies that as well.

15. Denies, except to admit that Ms. Eckhart appears to be seeking injunctive, declaratory, and monetary relief under those statutes and refers to the statutes for their terms.

ADMINISTRATIVE PREREQUISITES

16. Lacks knowledge or information sufficient to admit or deny what actions Ms. Eckhart has taken with regard to the EEOC or what she received from the EEOC and therefore denies.

17. The allegations of this paragraph call for a legal conclusion to which no response is necessary and to the extent a response is required, denies.

JURISDICTION AND VENUE

18. The allegations of this paragraph call for a legal conclusion to which no response is required and to the extent a response is required, denies.

19. The allegations of this paragraph call for a legal conclusion to which no response is required and to the extent a response is required, denies.

PARTIES

20. Admits that Ms. Eckhart is a former employee of Fox News and lacks knowledge or information sufficient to form a belief as to the remainder of the first sentence. The allegations in the second sentence call for a legal conclusion to which no response is required, and to the extent a response is required, denies.

21. Lacks knowledge or information sufficient to admit or deny the first sentence and therefore denies the allegations in that sentence. The allegations in the second sentence call for a legal conclusion to which no response is required, and to the extent a response is required, denies.

22. Admits that he resided within the State of Maryland at the time the Fourth Amended Complaint was filed. The remainder of the allegations in this paragraph call for a

legal conclusion to which no response is required, and to the extent any response is required, denies.

FACTUAL ALLEGATIONS

I. MS. ECKHART JOINS FOX NEWS

- 23. Lacks knowledge or information sufficient to admit or deny and therefore denies.
- 24. Lacks knowledge or information sufficient to admit or deny and therefore denies.
- 25. Lacks knowledge or information sufficient to admit or deny and therefore denies.
- 26. Lacks knowledge or information sufficient to admit or deny and therefore denies.
- 27. Lacks knowledge or information sufficient to admit or deny and therefore denies.
- 28. Lacks knowledge or information sufficient to admit or deny and therefore denies.
- 29. Lacks knowledge or information sufficient to admit or deny and therefore denies.
- 30. Lacks knowledge or information sufficient to admit or deny and therefore denies.
- 31. Lacks knowledge or information sufficient to admit or deny and therefore denies.
- 32. Lacks knowledge or information sufficient to admit or deny and therefore denies.
- 33. Lacks knowledge or information sufficient to admit or deny and therefore denies.
- 34. Lacks knowledge or information sufficient to admit or deny and therefore denies.

II. MR. HENRY PREYS ON MS. ECKHART

35. Lacks knowledge or information sufficient to admit or deny the nature of Ms. Eckhart's performance but denies that Mr. Henry engaged in any misconduct.

36. Denies, except to admit that at some point Mr. Henry began following Ms. Eckhart on Twitter and that Mr. Henry was at one time Fox News' Chief White House Correspondent.

Lacks knowledge or information sufficient to admit or deny Ms. Eckhart's age and therefore denies that allegation.

37. Admits that Mr. Henry he was married; otherwise, the paragraph refers to a Twitter direct message, the contents of which speak for itself and therefore require no response, and to the extent a response is required, denies.

38. Denies, except lacks knowledge or information sufficient to admit or deny Ms. Eckhart's feelings and motivations and therefore denies that as well but admits that Ms. Eckhart at one point told him that she was a fan, and it would be an honor to meet him.

39. Admits that Ms. Eckhart agreed to meet Mr. Henry when Mr. Henry was in Fox News' New York offices and that he appeared on the show "Outnumbered;" otherwise denies.

40. Denies, except to admit that Mr. Henry and Ms. Eckhart took a picture together.

41. Denies the characterization of any response from Mr. Henry; otherwise, the paragraph refers to text messages, the contents of which speak for themselves and therefore require no response and to the extent a response is required, denies.

42. Denies the characterization and motivations of the messages from Mr. Henry; otherwise, the paragraph refers to text messages, the contents of which speak for themselves and therefore require no response and to the extent a response is required, denies.

43. Denies.

44. Denies.

45. Denies, except he admits that Ms. Eckhart and Mr. Henry have met for drinks but lacks knowledge or information sufficient to admit or deny whether Fox News frequently lodges its traveling employees at the New York Marriott Marquis and therefore denies that allegation as well.

46. Denies, except lacks knowledge or information sufficient to admit or deny whether Ms. Eckhart brought a legal pad with her and therefore denies that allegation as well.

47. Denies, except to admit that someone approached him and asked to take a picture with him and that he has been approached by others asking to have pictures taken with him.

48. Denies, except to admit that Ms. Eckhart agreed to accompany Mr. Henry to his hotel room.

49. Denies, except to admit that Ms. Eckhart agreed to engage in sexual intercourse with Mr. Henry.

50. Denies.

51. Denies.

52. Denies.

III. MR. HENRY SEXUALLY ASSAULTS MS. ECKHART

53. Denies, except admit that Mr. Henry was in Fox News' New York offices at some point in 2015.

54. Denies, except to admit that Ms. Eckhart gave Mr. Henry her underwear one day at Fox News.

55. Denies, except to admit that Ms. Eckhart met Mr. Henry in a Fox News guest office.

56. Denies.

57. Denies.

58. Denies.

59. Admits.

IV. MR. HENRY RAPES MS. ECKHART

60. Admits.

61. Denies the characterization of the messages from Mr. Henry; otherwise, the paragraph refers to text messages, the contents of which speak for themselves and therefore require no response and to the extent a response is required, denies.

62. Denies the characterization and motivations of the messages from Mr. Henry; otherwise, the paragraph refers to text messages, the contents of which speak for themselves and therefore require no response and to the extent a response is required, denies.

63. Denies the characterization of the messages from Mr. Henry; otherwise, the paragraph refers to text messages, the contents of which speak for themselves and therefore require no response and to the extent a response is required, denies.

64. Denies, except admit that Ms. Eckhart met Mr. Henry at Fresco by Scotto, a New York City restaurant, and lacks knowledge or information sufficient to admit or deny whether Ms. Eckhart knew the restaurant would be busy or how she felt about the restaurant and therefore denies that as well.

65. Denies.

66. Denies, except lacks knowledge or information sufficient to admit or deny where Fox News frequently lodged its visiting employees and therefore denies that as well.

67. Denies.

68. Denies.

69. Denies.

70. Denies.

71. Denies.

72. Denies, except lacks knowledge or information sufficient to admit or deny Roger Ailes's actions and therefore denies that as well.

73. Denies.

74. Denies.

75. Denies.

76. Denies the characterization of the messages from Mr. Henry; otherwise, the paragraph refers to text messages, the contents of which speak for themselves and therefore require no response and to the extent a response is required, denies.

77. Denies the characterization of the messages from Mr. Henry and that Mr. Henry was ever violent with Ms. Eckhart; otherwise, the paragraph refers to text messages, the contents of which speak for themselves and therefore require no response and to the extent a response is required, denies.

78. Denies the characterization of the messages from Mr. Henry; otherwise, the paragraph refers to text messages, the contents of which speak for themselves and therefore require no response and to the extent a response is required, denies.

79. Denies the characterization of the messages from Mr. Henry; otherwise, the paragraph refers to text messages, the contents of which speak for themselves and therefore require no response and to the extent a response is required, denies.

80. Denies the characterization of the messages from Mr. Henry; otherwise, the paragraph refers to text messages, the contents of which speak for themselves and therefore require no response and to the extent a response is required, denies.

81. Denies.

V. FOX NEWS UNLAWFULLY TERMINATES MS. ECKHART'S EMPLOYMENT AFTER MR. HENRY'S CONTINUED HARASSMENT AND RETALIATION

82. Denies.

83. Denies, except lacks knowledge or information sufficient to admit or deny whether Ms. Eckhart ran inside one of the bathrooms at Fox News and therefore denies that as well.

84. Denies.

85. Denies the characterization and motivations of the messages from Mr. Henry; otherwise, the paragraph refers to text messages, the contents of which speak for themselves and therefore require no response and to the extent a response is required, denies.

86. Denies the characterization of the messages from Mr. Henry; otherwise, the paragraph refers to text messages, the contents of which speak for themselves and therefore require no response and to the extent a response is required, denies.

87. Denies the characterization of the messages from Mr. Henry; otherwise, the paragraph refers to text messages, the contents of which speak for themselves and therefore require no response and to the extent a response is required, denies.

88. Denies.

89. Denies, except to admit that Mr. Henry was once a co-host of “America’s Newsroom.”

90. Lacks knowledge or information sufficient to admit or deny and therefore denies.

91. Lacks knowledge or information sufficient to admit or deny and therefore denies.

92. Lacks knowledge or information sufficient to admit or deny and therefore denies.

93. Lacks knowledge or information sufficient to admit or deny and therefore denies.

94. Lacks knowledge or information sufficient to admit or deny and therefore denies.

VI. FOX NEWS’ INSTITUTIONAL APATHY TOWARDS SEXUAL MISCONDUCT

95. Lacks knowledge or information sufficient to admit or deny and therefore denies.

96. This paragraph refers to a news article the contents of which speak for itself and therefore requires no response; to the extent a response is required, lacks knowledge or information sufficient to admit or deny and therefore denies.

97. This paragraph refers to a news article the contents of which speak for itself and therefore requires no response; to the extent a response is required, lacks knowledge or information sufficient to admit or deny and therefore denies.

98. This paragraph refers to a news article the contents of which speak for itself and therefore requires no response; to the extent a response is required, lacks knowledge or information sufficient to admit or deny and therefore denies.

99. This paragraph refers to a news article the contents of which speak for itself and therefore requires no response; to the extent a response is required, lacks knowledge or information sufficient to admit or deny and therefore denies.

100. This paragraph refers to a news article the contents of which speak for itself and therefore requires no response; to the extent a response is required, lacks knowledge or information sufficient to admit or deny and therefore denies.

101. This paragraph refers to a news article the contents of which speak for itself and therefore requires no response; to the extent a response is required, lacks knowledge or information sufficient to admit or deny and therefore denies.

102. This paragraph refers to a news article the contents of which speak for itself and therefore requires no response; to the extent a response is required, lacks knowledge or information sufficient to admit or deny and therefore denies.

103. This paragraph refers to a news article the contents of which speak for itself and therefore requires no response; to the extent a response is required, lacks knowledge or information sufficient to admit or deny and therefore denies.

104. Lacks knowledge or information sufficient to admit or deny and therefore denies.

105. Lacks knowledge or information sufficient to admit or deny and therefore denies.

106. Lacks knowledge or information sufficient to admit or deny and therefore denies.

107. Lacks knowledge or information sufficient to admit or deny and therefore denies.

108. This paragraph refers to a news article the contents of which speak for itself and therefore requires no response; to the extent a response is required, lacks knowledge or information sufficient to admit or deny and therefore denies.

109. This paragraph refers to a news article the contents of which speak for itself and therefore requires no response; to the extent a response is required, lacks knowledge or information sufficient to admit or deny and therefore denies.

**VII. FOX NEWS' FAILURE TO ACT PROVIDED MR. HENRY WITH THE
OPPORTUNITY TO RAPE MS. ECKHART**

110. Denies that Mr. Henry engaged in sexual misconduct and otherwise lacks knowledge or information sufficient to admit or deny and therefore denies.

111. Denies that Mr. Henry raped Ms. Eckhart and otherwise lack knowledge or information sufficient to admit or deny and therefore denies.

112. Denies that "legitimate concerns were raised;" otherwise lacks knowledge or information sufficient to admit or deny and therefore denies.

113. Denies that Mr. Henry raped Ms. Eckhart; otherwise this paragraph refers to a news article the contents of which speak for itself and therefore requires no response; to the extent a

response is required, lacks knowledge or information sufficient to admit or deny and therefore denies.

114. This paragraph refers to a news article the contents of which speak for itself and therefore requires no response; to the extent a response is required, lacks knowledge or information sufficient to admit or deny and therefore denies.

115. This paragraph refers to a news article the contents of which speak for itself and therefore requires no response; to the extent a response is required, lacks knowledge or information sufficient to admit or deny and therefore denies.

116. This paragraph refers to a news article the contents of which speak for itself and therefore requires no response; to the extent a response is required, lacks knowledge or information sufficient to admit or deny and therefore denies.

117. Denies that Mr. Henry raped Ms. Eckhart; otherwise lacks knowledge or information sufficient to admit or deny and therefore denies.

118. Denies.

119. Denies that there were any complaints about Mr. Henry; otherwise lacks knowledge or information sufficient to admit or deny and therefore denies.

120. Denies that complaints against Mr. Henry piled up or that Mr. Henry engaged in serial sexual misconduct; otherwise, lacks knowledge or information sufficient to admit or deny and therefore denies.

121. Denies that Mr. Henry raped Ms. Eckhart; otherwise lacks knowledge or information sufficient to admit or deny Fox News's receipt of complaints and therefore deny that as well.

122. Denies.

123. This paragraph refers to a news article the contents of which speak for itself and therefore requires no response; to the extent a response is required, lacks knowledge or information sufficient to admit or deny what was told to NPR and therefore denies that as well.

124. Admits that Mr. Henry had a book deal with HarperCollins and that he became a New York Times Best-Selling author; otherwise lacks knowledge or information sufficient to admit or deny and therefore denies.

125. Admits that Mr. Henry appeared on a show on Fox Nation called “Ed Henry’s Front Row Seat” and that he received another book deal from HarperCollins; otherwise denies.

126. Denies, except to admit that Mr. Henry was once a co-host of “America’s Newsroom” and that he anchored three hours of national television programming Monday to Friday.

127. Denies that Mr. Henry abused Ms. Eckhart; lacks knowledge or information sufficient to admit or deny whether Ms. Eckhart received an email from Fox News praising Mr. Henry and announcing his promotion and therefore denies.

128. Denies that Mr. Henry was a known sexual predator; otherwise lacks knowledge or information sufficient to admit or deny the nature of any uninformed “gossip” at Fox News and therefore denies.

129. Denies.

130. This paragraph refers to a public statement the contents of which speak for itself and therefore requires no response; to the extent a response is required, lacks knowledge or information sufficient to admit or deny and therefore denies.

131. Denies that Mr. Henry engaged in a pattern and practice of sexual misconduct or that he received treatment for “sex addiction;” otherwise lacks knowledge or information sufficient

to admit or deny the nature of any comments made by uninformed female staffers and therefore denies.

132. Denies.

133. Denies that Mr. Henry preyed on innocent young women or that he victimized anyone; otherwise lacks knowledge or information sufficient to admit or deny and therefore denies.

VIII. MR. HENRY'S LONG HISTORY OF SEXUAL MISCONDUCT AND MISOGYNY

A. Brooke Hammerling

134. Lacks knowledge or information sufficient to admit or deny in what field Ms. Hammerling works and therefore denies. Admits that Mr. Henry met Ms. Hammerling while Mr. Henry was employed by CNN.

135. Denies that Mr. Henry “made the moves” on Ms. Hammerling when he met her; otherwise lacks knowledge or information sufficient to admit or deny what Ms. Hammerling allegedly said and therefore denies.

136. Lacks knowledge or information sufficient to admit or deny and therefore denies.

137. Denies.

138. Lacks knowledge or information sufficient to admit or deny and therefore denies.

139. This paragraph refers to a public statement on Twitter the contents of which speak for itself and therefore requires no response; to the extent a response is required, lacks knowledge or information sufficient to admit or deny and therefore denies.

B. Roxie Marroquin

140. Lacks knowledge or information sufficient to admit or deny and therefore denies.

141. Denies, except lacks knowledge or information sufficient to admit or deny Ms. Marroquin's age and intentions and therefore denies; and to the extent that the paragraph refers to

text messages, the contents speak for themselves and therefore require no response and to the extent a response is required, denies.

142. Denies, except to admit that Mr. Henry met Ms. Marroquin at The Wynn hotel; and to the extent that the paragraph refers to text messages, the contents speak for themselves and therefore require no response and to the extent a response is required, denies.

143. Denies.

144. Denies that Mr. Henry directed Ms. Marroquin to do anything; otherwise lacks knowledge or information sufficient to admit or deny what Ms. Marroquin allegedly said and therefore denies.

145. Denies, except to admit that Ms. Marroquin got into the bathtub.

146. Denies that Mr. Henry panicked or that he sent Ms. Marroquin harassing messages; otherwise admits that Ms. Marroquin threatened to speak to a magazine about him unless Mr. Henry paid her and that Mr. Henry pushed back by reporting her conduct to the FBI; otherwise lacks knowledge or information sufficient to admit or deny and therefore denies.

147. Admits that at some point Mr. Henry arranged to meet with Ms. Marroquin at a restaurant in Washington, D.C. and instead a private investigator met with Ms. Marroquin, who, on information and belief, told Ms. Marroquin that she was engaged in extortion; otherwise lacks knowledge or information sufficient to admit or deny and therefore denies.

148. Denies that he is a sexual predator or that he preys on girls who are very young and very impressionable; otherwise lacks knowledge or information sufficient to admit or deny what Ms. Marroquin allegedly said and therefore denies.

C. Jane Doe 1

149. The paragraph does not identify Jane Doe 1 and, therefore, Mr. Henry can neither admit or deny the allegations and therefore denies.

150. The paragraph does not identify Jane Doe 1 and, therefore, Mr. Henry can neither admit or deny the allegations and therefore denies.

151. The paragraph does not identify Jane Doe 1 and, therefore, Mr. Henry can neither admit or deny the allegations and therefore denies.

152. The paragraph does not identify Jane Doe 1 and, therefore, Mr. Henry can neither admit or deny the allegations and therefore denies, and specifically denies that he engages in lascivious behavior.

153. The paragraph does not identify Jane Doe 1 and, therefore, Mr. Henry can neither admit or deny the allegations and therefore denies, and specifically denies that he is emotionally abusive.

154. The paragraph does not identify Jane Doe 1 and, therefore, Mr. Henry can neither admit or deny the allegations and therefore denies, except lacks knowledge or information sufficient to admit or deny what Jane Doe 1, a pseudonymous individual, supposedly told Ms. Eckhart and therefore denies that as well.

155. Denies that he raped Ms. Eckhart; otherwise the paragraph does not identify Jane Doe 1 and, therefore, Mr. Henry can neither admit or deny the allegations and therefore denies.

156. The paragraph does not identify Jane Doe 1 and, therefore, Mr. Henry can neither admit or deny the allegations and therefore denies, except lacks knowledge or information sufficient to admit or deny what Jane Doe 1, a pseudonymous individual, supposedly told Ms. Eckhart and therefore denies that as well.

157. The paragraph does not identify Jane Doe 1 and, therefore, Mr. Henry can neither admit or deny the allegations and therefore denies, except lacks knowledge or information sufficient to admit or deny what Jane Doe 1, a pseudonymous individual, supposedly told Ms. Eckhart and therefore denies that as well.

158. The paragraph does not identify Jane Doe 1 and, therefore, Mr. Henry can neither admit or deny the allegations and therefore denies, except lacks knowledge or information sufficient to admit or deny what Jane Doe 1, a pseudonymous individual, supposedly told Ms. Eckhart and therefore denies that as well.

159. The paragraph does not identify Jane Doe 1 or 3 and, therefore, Mr. Henry can neither admit or deny the allegations and therefore denies, except lacks knowledge or information sufficient to admit or deny what Jane Doe 1 and 3, pseudonymous individuals, supposedly said to each other or supposedly told Ms. Eckhart and therefore denies that as well.

160. The paragraph does not identify Jane Doe 1 and, therefore, Mr. Henry can neither admit or deny the allegations and therefore denies, except lacks knowledge or information sufficient to admit or deny what Fox News Human Resources Jane Doe 1 and specifically denies that Ms. Eckhart is a victim of sexual assault.

161. The paragraph does not identify Jane Doe 1 and, therefore, Mr. Henry can neither admit or deny the allegations and therefore denies, except lacks knowledge or information sufficient to admit or deny what Jane Doe 1, a pseudonymous individual, supposedly told Ms. Eckhart and therefore denies that as well.

D. Jane Doe 4

162. The paragraph does not identify Jane Doe 4 and, therefore, Mr. Henry can neither admit or deny the allegations and therefore denies.

163. The paragraph does not identify Jane Doe 4 and, therefore, Mr. Henry can neither admit or deny the allegations and therefore denies.

164. The paragraph does not identify Jane Doe 4 and, therefore, Mr. Henry can neither admit or deny the allegations and therefore denies, except lacks knowledge or information sufficient to admit or deny what Jane Doe 4, a pseudonymous individual, supposedly said about him therefore denies.

E. Cathy Areu

165. Lacks knowledge or information sufficient to admit or deny and therefore denies.

166. Lacks knowledge or information sufficient to admit or deny and therefore denies.

167. Lacks knowledge or information sufficient to admit or deny and therefore denies.

168. Lacks knowledge or information sufficient to admit or deny and therefore denies.

169. Lacks knowledge or information sufficient to admit or deny and therefore denies.

170. Lacks knowledge or information sufficient to admit or deny and therefore denies.

171. Lacks knowledge or information sufficient to admit or deny and therefore denies.

172. Lacks knowledge or information sufficient to admit or deny and therefore denies.

173. Denies, except to admit that he spoke to Ms. Areu after a show and that she sent him a picture that was taken of the two of them.

174. Denies.

175. Denies that the texts were wildly grotesque and inappropriate; otherwise, the paragraph refers to text messages, the contents of which speak for themselves and therefore require no response and to the extent a response is required, denies.

176. Denies the characterization of the messages from Mr. Henry; otherwise, the paragraph refers to text messages, the contents of which speak for themselves and therefore require no response and to the extent a response is required, denies.

177. Denies the characterization of the messages from Mr. Henry; otherwise, the paragraph refers to text messages, the contents of which speak for themselves and therefore require no response and to the extent a response is required, denies.

178. Denies.

179. Denies.

180. Denies that he offered to assist Ms. Areu's career or suggested she had to sleep with him; otherwise the paragraph refers to text messages, the contents of which speak for themselves and therefore require no response and to the extent a response is required, denies.

181. The allegations of this paragraph describe dismissed allegations in a separate suit to which no response is required.

IX. DEFENDANTS FURTHER RETALIATE AGAINST MS. ECKHART

182. Lacks knowledge or information sufficient to admit or deny and therefore denies.

183. Lacks knowledge or information sufficient to admit or deny what Ms. Eckhart's legal counsel told Fox News and therefore denies, and specifically denies preying upon, manipulating and grooming Ms. Eckhart or exerting his abuse of power over her and her career.

184. Lacks knowledge or information sufficient to admit or deny what Ms. Eckhart's legal counsel told Fox News and therefore denies, and specifically denies psychologically manipulating and coercing Ms. Eckhart, denies sexually assaulting her and denies raping her.

185. Lacks knowledge or information sufficient to admit or deny what Ms. Eckhart's legal counsel told Fox News and therefore denies, and specifically denies raping Ms. Eckhart.

186. Denies raping Ms. Eckhart and denies that Ms. Eckhart failed to give consent, except lacks knowledge or information sufficient to admit or deny what Ms. Eckhart's counsel told Fox News and therefore denies that as well.

187. Denies that he is delusional, denies that he is violent and denies that the relationship with Ms. Eckhart was non-consensual, except lacks knowledge or information sufficient to admit or deny what Ms. Eckhart's legal counsel told Fox News and therefore denies that as well.

188. Admits, except lacks knowledge or information sufficient to admit or deny what Fox News purported to take credit for and therefore denies.

189. Denies that he sexually assaulted and raped Ms. Eckhart; otherwise, lacks knowledge or information sufficient to admit or deny and therefore denies.

190. Denies that he is an abuser or that he was ever Ms. Eckhart's employer, otherwise lacks knowledge or information sufficient to admit or deny and therefore denies.

191. Lacks knowledge or information sufficient to admit or deny and therefore denies.

192. Denies that he ever sexually harassed, assaulted or raped Ms. Eckhart; otherwise lacks knowledge or information sufficient to admit or deny and therefore denies.

193. Denies that he ever retaliated against Ms. Eckhart; otherwise lacks knowledge or information sufficient to admit or deny and therefore denies.

194. Denies that Ms. Eckhart is the victim of sexual harassment, assault or rape; otherwise, lacks knowledge or information sufficient to admit or deny and therefore denies.

195. Lacks knowledge or information sufficient to admit or deny and therefore denies.

196. Lacks knowledge or information sufficient to admit or deny and therefore denies.

197. Denies, except to admit that on October 19, 2020, he filed a motion to dismiss to which he annexed photographs of Ms. Eckhart that she had sent to Mr. Henry.

198. Denies.

199. As to the first sentence, denies. As to the second sentence, the allegation describes a ruling from the Court to which no response is required.

200. Denies.

201. Denies, except to agree that rape can never be justified or excused but denies ever raping Ms. Eckhart.

202. This paragraph refers to a news article the contents of which speak for itself and therefore requires no response; to the extent a response is required, lacks knowledge or information sufficient to admit or deny and therefore denies.

203. Lacks knowledge or information sufficient to admit or deny and therefore denies that Carrie Goldberg is a revenge porn expert; otherwise this paragraph refers to a news article the contents of which speak for itself and therefore requires no response; to the extent a response is required, lacks knowledge or information sufficient to admit or deny and therefore denies.

204. This paragraph refers to a news article the contents of which speak for itself and therefore requires no response; to the extent a response is required, lacks knowledge or information sufficient to admit or deny and therefore denies.

205. Denies that Ms. Eckhart was victim shamed; otherwise lacks knowledge or information sufficient to admit or deny and therefore denies.

206. Denies.

207. The allegations of this paragraph describe language from a Court filing to which no response is required.

208. This paragraph refers to a filing of a document in another case the contents of which speak for itself and therefore requires no response; to the extent a response is required, admits that the document set forth facts to demonstrate that the plaintiffs in that case were lying.

209. Denies.

210. This paragraph and the referenced footnote appear to set forth contentions and therefore requires no response; to the extent a response is required, denies.

FIRST CAUSE OF ACTION
(Sex Trafficking under 18 U.S.C. § 1591, et seq.)
Against Defendants Fox News and Ed Henry

211. Mr. Henry repeats and realleges his answer to each and every allegation contained herein above and incorporates the same as though fully set forth herein.

212. Denies.

213. Denies.

214. Denies.

215. Denies.

216. Denies.

217. Denies.

218. Denies.

219. States a legal conclusion to which no response is required. If and to the extent a response is deemed required, denies.

SECOND CAUSE OF ACTION

(Retaliation under Title VII of the Civil Rights Act of 1964)

Against Defendant Fox News

220. Mr. Henry repeats and realleges his answer to each and every allegation in the preceding paragraphs as if set forth fully herein.

221. This cause of action alleges a claim against Defendant Fox News and therefore no response is required. If and to the extent a response is deemed required, lacks knowledge or information sufficient to admit or deny and therefore denies.

222. This cause of action alleges a claim against Defendant Fox News and therefore no response is required. If and to the extent a response is deemed required, lacks knowledge or information sufficient to admit or deny and therefore denies.

223. This cause of action alleges a claim against Defendant Fox News and therefore no response is required. If and to the extent a response is deemed required, lacks knowledge or information sufficient to admit or deny and therefore denies.

224. This cause of action alleges a claim against Defendant Fox News and therefore no response is required. If and to the extent a response is deemed required, lacks knowledge or information sufficient to admit or deny and therefore denies.

THIRD CAUSE OF ACTION

**(Hostile Work Environment, Sexual Harassment and
Gender Discrimination under the NYSHRL)**

Against Defendant Fox News

225. Mr. Henry repeats and realleges his answer to each and every allegation in the preceding paragraphs as if set forth fully herein.

226. This cause of action alleges a claim against Defendant Fox News and therefore no response is required. If and to the extent a response is deemed required, lacks knowledge or information sufficient to admit or deny and therefore denies.

227. This cause of action alleges a claim against Defendant Fox News and therefore no response is required. If and to the extent a response is deemed required, lacks knowledge or information sufficient to admit or deny and therefore denies.

228. This cause of action alleges a claim against Defendant Fox News and therefore no response is required. If and to the extent a response is deemed required, lacks knowledge or information sufficient to admit or deny and therefore denies.

229. This cause of action alleges a claim against Defendant Fox News and therefore no response is required. If and to the extent a response is deemed required, lacks knowledge or information sufficient to admit or deny and therefore denies.

FOURTH CAUSE OF ACTION
(Retaliation under the NYSHRL)
Against Defendant Fox News

230. Mr. Henry repeats and realleges his answer to each and every allegation in the preceding paragraphs as if set forth fully herein.

231. This cause of action alleges a claim against Defendant Fox News and therefore no response is required. If and to the extent a response is deemed required, lacks knowledge or information sufficient to admit or deny and therefore denies.

232. This cause of action alleges a claim against Defendant Fox News and therefore no response is required. If and to the extent a response is deemed required, lacks knowledge or information sufficient to admit or deny and therefore denies.

233. This cause of action alleges a claim against Defendant Fox News and therefore no response is required. If and to the extent a response is deemed required, lacks knowledge or information sufficient to admit or deny and therefore denies.

234. This cause of action alleges a claim against Defendant Fox News and therefore no response is required. If and to the extent a response is deemed required, lacks knowledge or information sufficient to admit or deny and therefore denies.

FIFTH CAUSE OF ACTION

**(Hostile Work Environment, Sexual Harassment and Gender
Discrimination under the NYCHRL)**

Against Defendants Fox News and Ed Henry

235. Mr. Henry repeats and realleges his answer to each and every allegation in the preceding paragraphs as if set forth fully herein.

236. Denies.

237. Denies.

238. Denies.

239. Denies.

SIXTH CAUSE OF ACTION

(Retaliation under the NYCHRL)

Against Defendant Fox News

240. Mr. Henry repeats and realleges his answer to each and every allegation in the preceding paragraphs as if set forth fully herein.

241. This cause of action alleges a claim against Defendant Fox News and therefore no response is required. If and to the extent a response is deemed required, lacks knowledge or information sufficient to admit or deny and therefore denies.

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SEVENTH CAUSE OF ACTION
(Gender-Motivated Violence Pursuant to GMVA)
Against Defendant Ed Henry

245. Mr. Henry repeats and realleges his answer to each and every allegation in the preceding paragraphs as if set forth fully herein.

246. Denies.

247. Denies.

248. Denies.

249. Denies.

250. Denies.

EIGHTH CAUSE OF ACTION
(Violations of CRL § 52-b)
Against Defendant Ed Henry

251. Mr. Henry repeats and realleges his answer to each and every allegation in the preceding paragraphs as if set forth fully herein.

252. Denies.

253. Denies.

254. Denies.

NINTH CAUSE OF ACTION

(Assault/Sexual Assault)

Against Defendant Ed Henry

255. Mr. Henry repeats and realleges his answer to each and every allegation in the preceding paragraphs as if set forth fully herein.

256. Denies.

257. Denies.

258. Denies.

259. Denies.

260. This paragraph call for a legal conclusion to which no response is required and to the extent a response is required, denies.

TENTH CAUSE OF ACTION

(Battery/Sexual Battery)

Against Defendant Ed Henry

261. Mr. Henry repeats and realleges his answer to each and every allegation in the preceding paragraphs as if set forth fully herein.

262. Denies.

263. Denies.

264. Denies.

265. Denies.

266. This paragraph call for a legal conclusion to which no response is required and to the extent a response is required, denies.

ELEVENTH CAUSE OF ACTION

(Negligence)

Against Defendant Fox News

267. Plaintiff hereby repeats, recites and realleges each and every allegation in the preceding paragraphs as if set forth fully herein.

268. Mr. Henry repeats and realleges his answer to each and every allegation in the preceding paragraphs as if set forth fully herein.

269. This cause of action alleges a claim against Defendant Fox News and therefore no response is required. If and to the extent a response is deemed required, lacks knowledge or information sufficient to admit or deny and therefore denies.

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GENERAL DENIAL

Mr. Henry denies each and every allegation in the Fourth Amended Complaint except to the extent expressly admitted above. Mr. Henry also denies the allegations in the Prayer for Relief paragraph of the Fourth Amended Complaint and all the subparagraphs thereto, and further denies that Plaintiff is entitled to any relief whatsoever.

AFFIRMATIVE AND OTHER DEFENSES

Without assuming any burden of proof that he otherwise does not have as a matter of law, Mr. Henry asserts the following affirmative and other defenses. Mr. Henry reserves his right to plead any additional affirmative and other defenses as they become known during the pendency of this action:

FIRST AFFIRMATIVE DEFENSE

The Fourth Amended Complaint fails to state a claim for which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

Mr. Henry cannot be liable for alleged violations of 18 U.S.C. § 1591 because he never “enticed or recruited,” “knew fraud or force would be used,” or engaged in a “commercial sex act” within the meaning of the statute.

THIRD AFFIRMATIVE DEFENSE

Mr. Henry cannot be held liable for any alleged violation of the NYCHRL because any alleged conduct was outside the course and scope of employment.

FOURTH AFFIRMATIVE DEFENSE

Mr. Henry cannot be liable under the NYCHRL because he was never Plaintiff’s employer or supervisor, and Mr. Henry did not have authority to hire or fire Plaintiff.

FIFTH AFFIRMATIVE DEFENSE

Plaintiff’s claims are barred, in whole or in part, by the applicable statute of limitations.

SIXTH AFFIRMATIVE DEFENSE

Mr. Henry cannot be held liable under the GMVA because he harbored no “gender animus” within the meaning of the statute.

SEVENTH AFFIRMATIVE DEFENSE

Mr. Henry cannot be held liable under CRL § 52-b because the photographs were published during “lawful and common practices of legal proceedings” and because the photographs did not contain “unclothed or exposed intimate parts.”

EIGHTH AFFIRMATIVE DEFENSE

Mr. Henry cannot be held liable under CRL § 52-b because photographs were not published for the purpose of harassing, annoying, alarming, or shaming and the publication was not retaliatory. Rather, the purpose was to defend Mr. Henry against wrongful claims and allegations.

NINTH AFFIRMATIVE DEFENSE

Mr. Henry cannot be held liable for retaliation for publishing photographs of Plaintiff because there is no prohibition against publishing redacted photographs in a defendant's possession and, to the extent that Plaintiff claims that the photographs that she sent Mr. Henry were taken from the internet, the photographs were therefore public.

TENTH AFFIRMATIVE DEFENSE

To the extent that Ms. Eckhart alleges that publishing her phone number amounted to retaliation, Mr. Henry cannot be liable because there is no prohibition against publishing phone numbers and phone numbers are publicly available.

ELEVENTH AFFIRMATIVE DEFENSE

Plaintiff consented to each alleged instance of sexual interaction with Mr. Henry.

TWELFTH AFFIRMATIVE DEFENSE

To the extent that Plaintiff claims that the first alleged sexual encounter with Mr. Henry was nonconsensual, such a claim is barred by the doctrine of judicial estoppel as Plaintiff conceded in her earlier complaints that the encounter was consensual.

THIRTEENTH AFFIRMATIVE DEFENSE

Mr. Henry cannot be held liable for Plaintiff's claims under the Adult Survivors Act, N.Y. C.P.L.R. § 214-j (the "ASA"), because the ASA, on its face and as applied to the facts of this

action, is an unconstitutional violation of, including but not limited to, the Due Process Clause of the New York State Constitution, NY Const., art. I, § 6.

FOURTEENTH AFFIRMATIVE DEFENSE

Plaintiff's own conduct caused whatever damages she has suffered, although Mr. Henry specifically denies any such damages.

FIFTEENTH AFFIRMATIVE DEFENSE

If damaged, which Mr. Henry expressly denies, Plaintiff has failed to make reasonable and diligent efforts to mitigate damages.

SIXTEENTH AFFIRMATIVE DEFENSE

Plaintiff has failed to state a basis for an award of punitive damages.

SEVENTEENTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred, in whole or in part, by equitable defenses, including the doctrines of estoppel, laches, waiver, and/or unclean hands.

RESERVATION OF RIGHTS

Mr. Henry reserves his rights to amend this Answer and to assert any additional affirmative defenses and/or other defenses that may become available or apparent during the course of the investigation and/or discovery in this case.

WHEREFORE, Mr. Henry respectfully requests that this Court enter judgment in its favor against Plaintiff as follows:

1. Dismissing the Fourth Amended Complaint in its entirety on the merits;
2. Granting to Mr. Henry the costs and expenses of this action, including attorneys' fees; and
3. Awarding Mr. Henry such other and further relief as the Court may deem just and proper.

Dated: New York, New York

January 20, 2023

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